

EASTERN DISTRICT OF NEW YORK

Desmond Lynch,
Plaintiff-Appellant

Case No: 25-CV-3583 -RPK-ARL

v.

Palm Avenue Hialeah Trust, John Olsen , alleged king pin, director of an interstate criminal
enterprise and racketeering

Defendants.

NOTICE OF APPEAL

Notice is hereby given that Plaintiff-Appellant Desmond Lynch, appearing pro se, hereby appeals
to the United States Court of Appeals for the [Second] Circuit from the following:

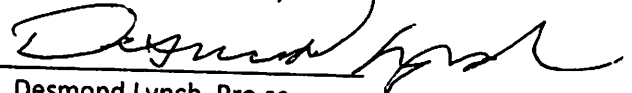
1. The Order and Judgment of Remand, entered on or about July 2nd, 2025 , which directed this
matter back to state court;
2. The Order denying Plaintiff's Motion to Vacate and/or Void the Remand Order, entered on or
about July 22, 2025 ; and
3. The failure or refusal of the District Court to address Plaintiff's previously filed and served
Emergency Order to Show Cause seeking a Temporary Restraining Order (TRO) and stay of state
enforcement actions pending adjudication of the federal removal and jurisdictional claims.

This appeal is taken on the grounds that the District Court's actions and omissions—particularly
the remand while preemptively disregarding a filed emergency application for injunctive relief
constituted procedural irregularity, constructive denial of relief, and violation of due process
under color of federal law. Said OSC was properly served and filed and remains unresolved on
the record.

This appeal is taken pursuant to 28 U.S.C. § 1443, as the removal was grounded in allegations of
civil rights violations , fraud upon the Court aided and abetted by Judicial corruption , denial of
equal protection and due process , and is a case of first Impression, under color of law. The
remand order is therefore reviewable pursuant to the exception to 28 U.S.C. § 1447(d) and
Federal Rule of Civil Procedure 60(b) .

Dated: July 28, 2025

Respectfully submitted,



Desmond Lynch, Pro se
970 Hillman Street
West Hempstead, NY 11552
516-591-2251/ dl@dlelynch.com

Served to:

Derrick M. Johnson , assignee with standing of
Named Respondent , Harold Leavitt
970 Hillman Street
West Hempstead NY 11552

Michael Ershowsky Esq
Ershowsky Verstandig LLC
290 Central Ave, Suite 109
Lawrence, NY 11559

Nassau County Sherriff
240 Hold Country Rd . 2nd fl
Mineola , NY 11501

Clerk of the Court
Nassau County District Court , LT Part
99 Main Street
Hempstead, NY 11550

Affidavit of Service

I Darnell Heard , and over the age of 18 , and am not a party to the action. ,I hereby certify and swear under penalty of perjury that on July 31, 2025, I served a true and correct copy of the foregoing Notice of Appeal via First-Class Mail, postage prepaid, certified mail, return receipt requested , addressed to the following individuals:

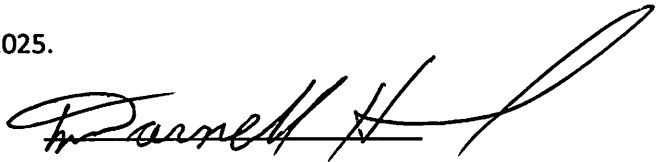
Derrick M. Johnson, assignee with standing of Named Respondent Harold Leavitt
970 Hillman Street
West Hempstead, NY 11552

Nassau County Sheriff
240 Old Country Rd, 2nd Floor
Mineola, NY 11501

Michael Ershowsky, Esq.
Ershowsky Verstandig LLC
290 Central Ave, Suite 109
Lawrence, NY 11559


Clerk of the Court
Nassau County District Court, LT Part
99 Main Street
Hempstead, NY 11550

Hereby Sworn to and Executed on July 31, 2025.



Darnell Heard

NOTARY

SUBSCRIBED AND SWORN BEFORE ME ON
ON THIS 31st DAY OF July, 2025

NOTARY PUBLIC

Andy Perez
Notary Public, State of New York
Reg. No. 01PE0013305
Qualified in Queens County
Commission Expires September 7 2027

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**Derrick M. Johnson, assignee with standing of
 Named Respondent, Harold Leavitt
 970 Hillman Street
 West Hempstead NY 11552**

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 Ershowsky Verstandig LLC
 290 Central Ave, Suite 109
 Lawrence, NY 11559**

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